



New Jersey Department of Children and Families Policy Manual

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SUBJECT: Placement of Students with Disabilities in the Least Restrictive Environment

EFFECTIVE DATE: June 30, 1990

REVISED: March 26, 2009

A. OBJECTIVE

To assure that students with disabilities, for whom the Department of Children and Families (DCF) Office of Education (OOE) provides Child Study Team (CST) services, are educated in the least restrictive environment in accordance with N.J.A.C. 6A:14-4.2 as appropriate for the individual student and as feasible considering the nature of placements in State facilities.

B. DEFINITIONS

“General education classroom” means a classroom in a public school setting that is designed primarily to serve general education students.

“SFEA [State Facility Education Act] classroom” means a classroom in a DCF or Department of Human Services (DHS) State facility education program which is authorized to provide services to both special education and general education students.

C. STANDARDS

1. To the maximum extent appropriate, a student with a disability shall be educated with children who are not disabled and shall participate with nondisabled students in nonacademic and extra curricular services and activities.

2. Special classes, separate schooling or other removal of a student with a disability from the student's SFEA classroom or general education classroom shall occur only when the nature or severity of the disability is such that education in an SFEA classroom or a general education classroom with the use of supplementary aids and services cannot be achieved satisfactorily.
3. When necessary, appropriate and available, alternative educational program options, pursuant to N.J.A.C. 6A:14-4.3, shall be considered to meet the needs of students with disabilities for special education and related services.
4. The educational placement of a student with a disability shall be determined at least annually and, as applicable, activities necessary to transition the student to a less restrictive placement shall also be considered at least annually.
5. The educational placement of each student shall be consistent with his or her Individualized Education Program (IEP).
6. Whenever feasible, students with disabilities shall be placed in appropriate educational settings as close as possible to home which is the location where a student currently resides.
7. The determination regarding the restrictiveness of a particular program option shall be based solely on the amount of time a student with a disability is educated in a setting which does not include general education students.
8. A student with a disability shall not be removed from an age-appropriate SFEA or general education classroom based solely on the need for modifications to the general education curriculum.

D. PROCEDURES

1. The placement of students with disabilities in the least restrictive environment shall be addressed through the Individualized Education Program (IEP) process as delineated in the *Supervisor of Educational Programs/Child Study Team Letters and Forms Manual* (SEP/CST Manual) and OOE Policy #16, "Individualized Education Programs."
2. During a student's IEP meeting, the IEP team shall discuss all pertinent factors involved in determining the least restrictive environment and the appropriate placement, as outlined in N.J.A.C. 6A:14-4.2 and 4.3, and shall document, as required, those discussions and decisions in the student's IEP. If a student will not be educated in an SFEA classroom or will not be included in a general education classroom for more than 80% of the school day, consideration shall be given to the following items:

- a. whether the student can be educated satisfactorily with supplementary aids and services in a general education classroom;
 - b. a comparison of the benefits provided in a general education class and the benefits provided in a special education class; and
 - c. the potentially beneficial or harmful effects which the placement may have on the student with disabilities or the other students in the class.
3. The accommodations, modifications, and supplementary aids and services in each academic or functional area which may be needed and which shall be considered in order to educate a student with a disability in an SFEA classroom or a general education classroom shall include, but are not limited to, the following:
 - a. Curricular or instructional modifications or specialized instructional strategies;
 - b. Assistive technology devices and services as defined in N.J.A.C. 6A:14-1.3;
 - c. Teacher aides;
 - d. Related services;
 - e. Integrated therapies;
 - f. Consultation services; and
 - g. In-class resource programs (not applicable to an SFEA classroom).
4. If it is determined that a student with a disability cannot remain in an SFEA or general educational setting with supplementary aids and services for all or a portion of the school day, an alternative educational placement option which meets the needs of the student shall be identified and implemented, when feasible.
5. Each student's IEP shall state the modifications that will be provided to enable the student to participate in extracurricular and nonacademic activities and shall explain the extent, if any, to which the student will not participate with nondisabled peers in extracurricular activities and nonacademic activities.
6. As applicable, the IEP team shall consider all relevant factors and shall make an individual determination regarding the need for an extended school year program which shall be reflected in the student's IEP.

7. Pursuant to N.J.A.C. 6A:14-8.3, a student in a residential State facility program may be recommended for placement in a local school district program.
 - a. If it is appropriate to recommend the placement of a student in a local school district, all attempts to place the student in the least restrictive environment according to N.J.A.C. 6A:14-4.2 shall be documented by a TIENET "Event Note".
 - b. When a student is successfully placed in a local school district, the placement shall be documented in the student's IEP.

Debra Stewart
Director

Note: This is a reproduction of a signed document. The original document is on file with the DCF Office of Education.